

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 Lakshmi Arunachalam,
4 Plaintiff(s),
5 vs.
6 CSAA Insurance Group,
7 Defendant(s).

2:20-cv-01558-RFB-MDC

Report and Recommendation

8 Pending before the Court is pro se plaintiff Lakshmi Arunachalam's failure to file an *Application*
9 *to Proceed In Forma Pauperis* ("IFP") or pay the full filing fee. This Court recommends dismissal.

10 On August 21, 2020, plaintiff filed an IFP application (ECF No. 1). On October 16, 2020, the
11 Court denied plaintiff's application because it noted there were some discrepancies in plaintiff's IFP
12 application. ECF No. 6. Namely, the Court noted factual conflicts between plaintiff's "multiple licensing
13 agreements for her patents" and her lack of income. *Id.* at 1-2. The Court ordered plaintiff to pay the
14 filing fee by October 30, 2020, and warned her that failure to timely comply may result in dismissal. *Id.*
15 at 2. On October 27, 2020, plaintiff filed a *Motion for Reconsideration* (ECF No. 7) which the Court
16 denied on November 6, 2020 (ECF No. 8). The Court ordered plaintiff to pay the filing fee by
17 November 20, 2020. Plaintiff did not comply and instead, plaintiff appealed to the Ninth Circuit (ECF
18 No. 9) which dismissed her appeal (ECF No. 13). On May 21, 2021, the Court entered a Report and
19 Recommendation to the District Judge, recommending that the case be administratively closed. ECF No.
20 17. On June 3, 2024, and June 7, 2024, plaintiff objected to Report and Recommendation. ECF Nos. 18
21 and 19. On April 22, 2024, the District Judge accepted and adopted the Report and Recommendation in
22 part. ECF No. 23. The District Judge adopted the findings and reasonings of the Report and
23 Recommendation but declined to administratively close the case. *Id.* at 3. The District Judge ordered
24 plaintiff to file a corrected IFP application or pay the full filing fee by May 22, 2024. *Id.* The District
25

1 Judge warned plaintiff that failure to abide by the Order will result in dismissal with prejudice. Plaintiff
2 has neither filed a corrected IFP application nor paid the filing fee, thus she has failed to timely comply
3 with the Order.

4 ACCORDINGLY,

5 **IT IS RECOMMENDED** that this case be dismissed.

6 **NOTICE**

7 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
8 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
9 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
10 may determine that an appeal has been waived due to the failure to file objections within the specified
11 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

12 This circuit has also held that (1) failure to file objections within the specified time and (2)
13 failure to properly address and brief the objectionable issues waives the right to appeal the District
14 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d
15 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
16 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any
17 change of address. The notification must include proof of service upon each opposing party's attorney,
18 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may
19 result in dismissal of the action.

20
21 DATED this 28th day of May 2024.

22 IT IS SO RECOMMENDED.

23
24 Hon. Maximiliano D. Couvillier III
25 United States Magistrate Judge

